

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DANIEL BREEDING,

Plaintiff,

v.

WALMART, INC.,

Defendant.

) Case No.: 1:23-cv-00300-JLT-SKO

)

) ORDER ADVISING PARTIES OF AMENDMENT
) OF LOCAL RULE AND THAT IF PARTIES WISH
) TO HAVE CASE STAY WITHIN THE CURRENT
) FRESNO COURT DIVISION, THEY MAY
) CONSENT TO MAGISTRATE JUDGE
) JURISDICTION

)

) **FOURTEEN DAY DEADLINE**

Effective August 7, 2023, Local Rule 120, of the Local Rules of the United States District Court, Eastern District of California, was amended. *See* General Order No. 666. Prior to amendment, Local Rule 120(d) provided that “[a]ll civil and criminal actions and proceedings of every nature and kind . . . arising in,” among other counties, the counties of Calaveras, and Stanislaus, “shall be commenced in the United States District Court sitting in Fresno, California, and in Bakersfield, California, Yosemite National Park[,] or other designated places.” As now amended, Local Rule 120(d) provides that as for actions arising in the counties of Calaveras or Stanislaus, such actions shall now “be commenced in the United States Court sitting [in] Sacramento, California, and in Redding, California, or other designated places within those counties.”

In light of the amended Local Rule 120(d), the parties are advised that, as this is an action or proceeding that arises in either the county of Calaveras or Stanislaus, this case will be transferred out

1 of the District Court in the Fresno division, and to the District Court in the Sacramento division.
2 Before the case is transferred, the Court issues this order to advise the parties that if they wish to keep
3 this case in the Fresno division, they may consent to magistrate judge jurisdiction, and this case will
4 remain in the Fresno division and will be assigned to the current Magistrate Judge already assigned to
5 this action. If the parties do not consent to Magistrate Judge jurisdiction, this action will be transferred
6 out of the Fresno division, and a new District Judge and Magistrate Judge will be assigned.

7 To consent or decline to magistrate judge jurisdiction, a party may sign and file the consent
8 form available on the Court's website.¹ Parties may consent, decline or withhold consent without any
9 adverse consequences, and the assigned Magistrate Judge will not be informed of the individual
10 party's holding or withholding of consent.

11 Accordingly, **within 14 days** of the date of service of this order, the parties may file consent to
12 the Magistrate Judge jurisdiction forms, and if all parties consent, this action will remain in the Fresno
13 division, otherwise, the case will be transferred to the Sacramento division and a new District Judge
14 and Magistrate Judge will be assigned.

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16 IT IS SO ORDERED.

17 Dated: **August 28, 2023**


UNITED STATES DISTRICT JUDGE

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¹ The consent form is available at: <http://www.caed.uscourts.gov/caednew/index.cfm/forms/civil/>.